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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,065	03/04/2002	Anders Vinberg	28280.04001	8010

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EXAMINER
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LEE, PHILIP C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/091,065

Applicant(s)

VINBERG, ANDERS

Examiner

Philip C. Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-10 are presented for examination.

*Claim Rejections – 35 USC 112*

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim language in the following claims is not clearly understood:
  - i. As per claim 7, lines 1-3, it is unclear if “the subject system object” in line 1 refers to “one or more system objects” in lines 1-2.

*Claim Rejections – 35 USC 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-5, 7 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Touboul, U.S. Patent 6,125,390 (hereinafter Touboul).

6. As per claims 1 and 9-10, Touboul taught the invention as claimed for reporting the context of an alert condition, comprising:

reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

analyzing one or more system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

7. As per claim 2, Touboul taught the invention as claimed in claim 1 above. Touboul further taught including receiving a request to report the context of the alert condition (col. 14, lines 20-25).

8. As per claim 3, Touboul taught the invention as claimed in claim 1 above. Touboul further taught wherein the analyzing includes determining properties of the subject system object (col. 7, lines 40-49).

9. As per claim 4, Touboul taught the invention as claimed in claim 1 above. Touboul further taught wherein analyzing includes determining a physical location of a component represented by the subject system object (col. 4, lines 39-44).

10. As per claim 5, Touboul taught the invention as claimed in claim 1 above. Touboul further taught wherein analyzing includes determining a logical relationship of a component represented by the subject system object to at least one other component (e.g. the workstation which the program error occurred) (col. 7, lines 40-49).

11. As per claim 7, Touboul taught the invention as claimed in claim 1 above. Touboul further taught wherein analyzing includes identifying one or more system objects, each identified system object representing a components that is dependent on a component represented by the subject system object (col. 7, lines 40-49; col. 13, lines 65-67; col. 2, lines 26-28).

*Claim Rejections – 35 USC 103*

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul in view of “Official Notice”.

14. As per claim 6, Touboul taught the invention as claimed in claim 1 above. Touboul did not teach determining a traffic load associated with the subject system object. “Official Notice” is taken for the concept of determining a traffic load associated with a system object is known and accepted in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a traffic load information associated with a system object because by doing so would provide the administrator with helpful data to manage the system object with optimum efficiency.

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul in view of Nishida, U.S. Patent 5,440,688 (hereinafter Nishida).

16. As per claim 8, Touboul taught the invention as claimed in claim 1 above. Touboul did not teach wherein generating includes replacing quantifiable context data with a qualitative identifier. Nishida taught a similar invention wherein generating includes replacing quantifiable context data with a qualitative identifier (col. 3, lines 29-40).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul and Nishida because Nishida's teaching of replacing quantifiable context data with a qualitative identifier would increase the user alertness in Touboul's system by allowing alarm with critical level being at the highest in the range of emergencies demanding immediate attention by the network management personnel (col. 3, lines 36-38).

## **CONCLUSION**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Poliquin et al, U.S. Patent 5,696,486, disclosed a method of providing alarm messages with context data.

Cutrell et al, U.S. Patent 6,141,777, disclosed a system for reporting service conditions.

Brown, U.S. Patent 5,857,190, disclosed a system for logging and reporting events in a network.

Bonnell et al, U.S. Patent 5,655,081, disclosed a system for monitoring events in a network and reporting alarm messages.

19. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

  
**JOHN FOLLANSBEE  
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